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Dickinson Wright PLLC James E. Ledbetter, Esq. International Square 1875 Eye Street, N.W., Suite 1200 Washington, DC 20006			EXAMINER CHAMBERS, TANGELA T	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CHAN WAH NG and PEK YEW TAN

Appeal 2009-013588
Application 10/561,194
Technology Center 2600

Before MAHSHID D. SAADAT, THOMAS S. HAHN,
and ELENI MANTIS MERCADER, *Administrative Patent Judges*.

MANTIS MERCADER, *Administrative Patent Judge*.

DECISION ON APPEAL¹

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

STATEMENT OF THE CASE

Appellants seek our review under 35 U.S.C. § 134(a) of the Examiner's final rejection of claims 1-6. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

INVENTION

Appellants' Figure 2 is reproduced below:

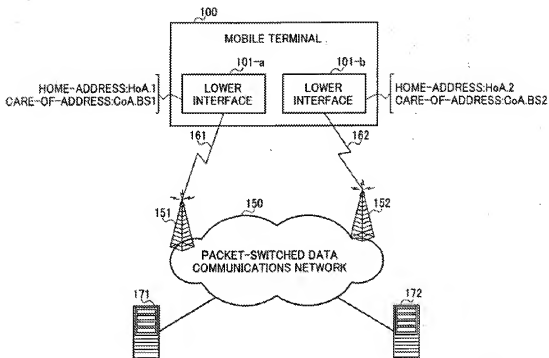


FIG.2

Figure 2 depicts the interconnections of the packet-switched data communications network 150 and the mobile terminal 100.

Appellants' Figure 1 is reproduced below:

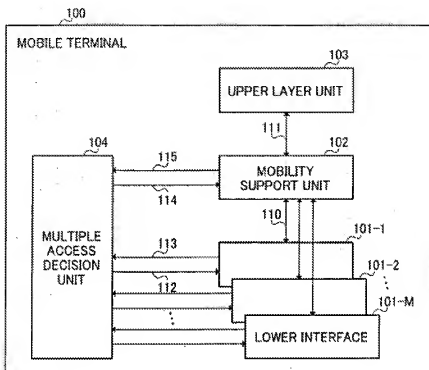


FIG.1

Figure 1 indicates the mobility support unit (MSU) 102 which is the core of mobile unit 100 in its packet-switched data communications operations.

Appellants' claimed invention is directed to a mobile terminal apparatus 100 which has two points of attachment to packet-switched data communications network 150: one via base station 151 using access mechanism 161 through lower interface 101-a, and the other via base station 152 using access mechanism 162 through lower interface 101-b. *See Spec. 13:24-14:22; Fig. 2.*

As shown in Figure 2, a packet sent to the mobile terminal 100 at the address HoA.1 would be intercepted by the home agent 171. Home agent 171 would then forward this packet to the care-of-address CoA.BS1 using packet tunneling. Since an outer packet is addressed to CoA.BS1, the above packet will be routed to the mobile terminal 100 via base station 151. Similarly, a packet sent to the mobile terminal 100 at the address HoA.2 would be intercepted by the home agent 172. Home agent 172 would then forward this packet to the care-of-address CoA.BS2 using packet tunneling. Since the outer packet is addressed to CoA.BS2, it will be routed to the mobile terminal 100 via base station 152. *See Spec. 13:24-14:22; Fig. 2.*

Figure 1 shows the multiple access decision unit (MADU) 104, which is responsible for dynamically modifying the bindings between the care-of-addresses and home-addresses of the mobile terminal 100, and, which makes decisions to activate or deactivate any or all of the lower interfaces 101-1 to 101-M. *See Spec. 12:21-26; Fig. 1.*

As the mobile terminal 100 moves, one of the access links (e.g., 161 in Figure 2) may get out of range and thus be broken. When MADU 104 detects this from one of the signal paths 113, 115, it will attempt to reassociate the home-address HoA.1. Since lower interface 101-b would be in a foreign domain, MADU 104 will instruct the mobility support unit (MSU) 102 to set up a binding between CoA.BS2 and HoA.1. This causes packets sent to HoA.1 to be tunneled to the mobile terminal 100 via access link established by access mechanism 162 between lower interface 101-b and base station 152. *See Spec. 15:19-20:23; Figs. 1-2.*

Claim 1, reproduced below, is representative of the subject matter on appeal:

1. A mobile terminal apparatus comprising:
a plurality of interfaces, each interface being capable of, when an associated access mechanism thereof is in an active state, obtaining a connection to a network using one of a home-address and a care-of-address, said home-address being assigned to said interface in advance, said care-of-address being assigned to said interface while said interface is in a domain where the home-address is not available;
an instructing section that instructs a setup of a binding of a home-address of a first interface of said plurality of interfaces and one of a home-address and a care-of-address of a second interface of said plurality of interfaces, said first interface losing a connection obtained through a care-of-address of said first interface; and
a setup section that sets up the binding.

THE REJECTIONS

The Examiner relies upon the following as evidence of unpatentability:

Linder	US 2002/0194385 A1	Dec. 19, 2002
Gwon	US 2003/0016655 A1	Jan. 23, 2003
Lee	US 6,535,493 B1	Mar. 18, 2003
Dutta	US 2004/0122976 A1	Jun. 24, 2004 (effectively filed Oct. 24, 2002)

The following rejections are before us for review:

1. The Examiner rejected claims 1 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Dutta.
2. The Examiner rejected claims 2 and 3 under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Dutta and Gwon.

3. The Examiner rejected claims 4 and 5 under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Dutta, Gwon, and Linder.

ISSUE

Did the Examiner err by determining that Lee in view of Dutta teaches the limitation of:

[a] mobile terminal apparatus comprising . . . an instructing section that instructs a setup of a binding of home-address of a first interface of said plurality of interfaces and one of a home-address and a care-of-address of a second interface of said plurality of interfaces, said first interface losing a connection obtained through a care-of-address of said first interface;

as recited in claim 1?

ANALYSIS

Appellants disagree with the Examiner's assertion that Dutta's fixed, intermediate node 214a, in Figure 2A, that updates its routing cache entry with the care-of-address of a received message so as to replace an original downlink interface 228 with a new interface 226, is the same or similar to the claimed mobile terminal apparatus that binds a home address of a first network interface, which loses network connectivity, with one of a home address and a care-of-address of a second network interface. (App. Br. 6). Appellants observe that Dutta's crossover node 214a is a *fixed* intermediate node between base station 216a and gateway 212c (Dutta Fig. 2A, ¶ [0036]). (App. Br. 6). Appellants further argue that the Examiner did not provide a motivation for applying Dutta's intermediate node 214a to a mobile

terminal, such as in Dutta's mobile host 222b illustrated in Figure 2A (App. Br. 6). We are persuaded by Appellants' arguments.

The Examiner has not provided any evidence, nor can we find support from the record before us, of the claimed *mobile terminal* apparatus that binds a home address of a first network interface, which loses network connectivity, with one of a home address and a care-of-address of a second network interface, similar to Appellants' MADU 104 (Spec. 19:12-17). In fact, the Examiner admits that the intermediate node is not a mobile terminal (Ans. 16). We also do not agree with the Examiner's purported motivation (Ans. 5, 17) suggesting to modify Lee by incorporating the functionality of node 214a into the mobile apparatus of Lee for the purpose of allowing mobility management for both real-time and non-real time applications as taught by Dutta (§ [0011]). This is because the mobility management statement does not extend to Dutta's node 214a which is fixed.

For the above reasons, we will reverse the Examiner's rejection of claim 1 and for reasons similar to those articulated *supra* the rejections of claims 2-6.

CONCLUSION

The Examiner erred by determining that Lee in view of Dutta teaches the limitation of:

[a] mobile terminal apparatus comprising . . . an instructing section that instructs a setup of a binding of home-address of a first interface of said plurality of interfaces and one of a home-address and a care-of-address of a second interface of said plurality of interfaces, said first interface losing a connection obtained through a care-of-address of said first interface;

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as recited in claim 1.

ORDER

The decision of the Examiner to reject claims 1-6 is reversed.

REVERSED

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